

REMARKS

This Amendment and Response is responsive to the Final Office Action mailed January 2, 2004. In that Action, claims 1, 3, 4, and 9-17 were pending and claims 1, 3, 4, and 9-17 were rejected under 35 USC §103(a) as being unpatentable over the combination of Walker, et al. (USPN 6,014,439) and Judkins, et al. (USPN 6,603,854).

Claims 4, 11, and 17 have been cancelled. Now, only claims 1, 3, 9, 10, and 12-16 are pending. Claims 1, 3, and 9 have been amended. Claims 1 and 9 have been amended to even further distinguish over the prior art of record. Specifically, claim 1 has been amended to incorporate a very similar limitation to that which was previously found in now cancelled claim 4. Claim 9 has been amended to incorporate a very similar limitation to that which was previously found in now cancelled claim 11. Claim 3 was amended merely to correct its dependency so that it depended from one of the pending claims.

The pending claims have been rejected based on the combination of Walker, et al. and Judkins, et al. Walker et al. appears to disclose a system for entertaining a caller placed in a queue which allows the caller to access a plurality of entertainment options while on hold. One function in particular performed by the Walker et al. system is the association of a caller in the queue with an account record. Through analysis of the account record a determination may be made as to whether a caller should be provided access to the entertainment content.

Judkins, et al. appears to disclose a system and method for evaluating agents in a call center. At column 13, lines 39-45 there is discussion of prioritizing calls based on the number dialed, the number dialed from, and the length of time in queue.

Claim 1 as amended includes the key limitation that the routing priority number is determined based on at least one of: the order in which the at least one incoming call is received,

indication made in the at least one telephone call, and from monitoring the interactive application selected during the at least one telephone call. This limitation is not taught or suggested by either Walker or Judkins. Thus, claim 1, and claim 3 which is dependent thereon, are not obvious in light of the combination of Walker and Judkins. For this reason, it is respectfully submitted that claims 1 and 3 are patentable and reconsideration of the rejections is hereby requested.

As amended, claim 9 includes the important limitation that at least one of the communications network interface, the queuing application, and the call distributing apparatus are resident on a public switched telephone network. A similar limitation, which was previously found in claim 11, is stated in the Office Action at page 5 to be found in Walker in Figures 1 and 2. To the contrary, in Walker there is a clear demarcation between the public switched telephone network (PSTN) 135 in Figure 1 and the call center 100 in Figure 1. In this case, the PBX 150 is located in the call center 100, which is not part of the telephone network 135. Further, the user interface 170 of Walker is also found in the call center 100, which is not part of the telephone network 135. This is also the case for the queuing application 210, which is shown in Figure 2 of Walker to be located in the PBX 150 which is in the call center 100, which is not part of the telephone network 135. Further, the call distributing apparatus 150 in Walker is located in the call center 100, which is not part of the telephone network 135. As can be seen, this limitation is not taught or suggested by Walker or Judkins. For these reasons, it is respectfully submitted that claims 9, 10, and 12-16 are patentable over the prior art and reconsideration of the rejections of same is hereby requested.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone

conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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